

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JON ETHRIDGE, et al.,

Plaintiffs,

Civil Action No. 12-CV-10806

vs.

HON. BERNARD A. FRIEDMAN

FREMONT INVESTMENT & LOAN, et al.,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is presently before the Court on (1) the motion of defendants Mortgage Electronic Registration System, Inc. ("MERS"), MERSCORP, Inc. ("MERSCORP"), and Ocwen Loan Servicing, LLC ("Ocwen") to dismiss [docket entry 8]; (2) plaintiffs' motion for default judgment as to all defendants [docket entry 10]; (3) plaintiffs' motion for default judgment as to defendant Fremont Investment & Loan ("Fremont") [docket entry 11]; and (4) the motion of defendants MERS, MERSCORP and Ocwen to strike plaintiffs' motions for default judgment [docket entry 12]. Magistrate Judge Mona K. Majzoub has submitted a report and recommendation ("R&R") in which she recommends that the Court deny plaintiffs' motions, deny as moot defendants' motion to strike plaintiffs' motions, and grant defendants' motion to dismiss. No party has objected to the R&R and the time for doing so has expired.¹

¹ Plaintiffs have filed a document entitled "objection and response to defendant's motion to set aside default and motion to dismiss" [docket entry 33]. This document, although filed during the objection period, does not mention the R&R and appears to be a response to the motion filed by defendant Fremont to set aside the clerk's default entered against it and to dismiss the complaint for insufficient process and insufficient service [docket entry 26]. The magistrate judge indicates, *see* R&R at 4, that she intends to address this motion in a separate report and recommendation.

The Court has reviewed the complaint, the motion papers and the R&R and is satisfied that the magistrate judge's analysis of the issues is correct and that her recommendations are sound. Accordingly,

IT IS ORDERED that Magistrate Judge Majzoub's R&R of November 13, 2012, is hereby accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that the motion of defendants MERS, MERSCORP, and Ocwen to dismiss [docket entry 8] is granted.

IT IS FURTHER ORDERED that plaintiffs' motion for default judgment as to all defendants [docket entry 10] is denied.

IT IS FURTHER ORDERED that plaintiffs' motion for default judgment as to defendant Fremont [docket entry 11] is denied.

IT IS FURTHER ORDERED that the motion of defendants MERS, MERSCORP and Ocwen to strike plaintiffs' motions for default judgment [docket entry 12] is denied as moot.

Dated: November 30, 2012
Detroit, Michigan

S/ Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE